

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

Tanya Lynn Cetina,)	
)	C/A No. 6:12-2222-TMC
Plaintiff,)	
)	
v.)	ORDER
)	
Newbold Services, Clint Morgan,)	
Dave Murphy and Dave Brown,)	
)	
Defendants.)	

Plaintiff, proceeding pro se, filed this action alleging discrimination by the Defendants. In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02(B)(2), DSC, all pre-trial proceedings in this matter were referred to a magistrate judge. This case is now before the court on the Magistrate Judge's Report and Recommendation ("Report") addressing two motions: (1) Defendant David T. Brown's motion to dismiss (ECF No. 187) and (2) Defendants Newbold Services, Clint Morgan, and Dave Murphy's motion for summary judgment (ECF No. 215). The Report recommends granting both motions.¹

Plaintiff was advised of her right to file objections to the Report. (ECF No. 238-1). However, Plaintiff did not file any objections and the time within which to file objections has expired. In the absence of objections, this court is not required to provide an explanation for adopting the magistrate judge's recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). Rather, "in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must 'only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.'" *Diamond v. Colonial Life & Acc. Ins. Co.*, 416

¹ The magistrate judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). The court is charged with making a de novo determination of those portions of the Report to which specific objections are made, and the court may accept, reject, or modify, in whole or in part, the magistrate judge's recommendation, or recommit the matter with instructions. *See* 28 U.S.C. § 636(b)(1).

F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee's note).

After a thorough review of the Report and the record in this case, the court adopts the Report (ECF No. 238) and incorporates it herein. It is therefore **ORDERED** that David T. Brown's Motion to Dismiss (ECF No. 187), and the Motion for Summary Judgment filed by Defendants Newbold Services, Clint Morgan, and Dave Murphy (ECF No. 215) are **GRANTED, and the claims against these Defendants are dismissed with prejudice.** Furthermore, the Court declines to exercise its supplemental jurisdiction over any remaining state causes of action pursuant to 28 U.S.C. § 1367(c)(3), and such claims are **DISMISSED WITHOUT PREJUDICE.**

Additionally, Defendants Newbold Services, Clint Morgan, and Dave Murphy's Motion to Stay the Scheduling Order (ECF No. 245) is **DENIED** as moot.

This case is recommitted to the Magistrate Judge for pretrial handling in regard to the sole remaining unserved defendant, Dave Brown.

IT IS SO ORDERED.

s/Timothy M. Cain
United States District Judge

Anderson, South Carolina
October 11, 2013

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.